

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: REUNAMAKI et al.
Title: WIDEBAND COMMUNICATION METHOD
Appl. No.: 10/574,591
International Filing Date: 11/12/2004
371(c) Date: 4/4/2006
Examiner: Curtis B. Odom
Art Unit: 2611
Confirmation Number: 3965

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. §1.705**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant is in receipt of the Notice of Allowance for the above- captioned application. Applicant disagrees with the Determination of Patent Term Adjustment (PTA) under 35 U.S.C. § 154(b) and presents the following facts per the procedure set forth in 37 C.F.R. § 1.705(b) to support their contention that the patent term adjustment should be 602 days instead of 559 days as calculated by the United States Patent and Trademark Office (PTO).

In performing the PTA calculations based on the provisions of 37 C.F.R. §§ 1.702(a)(1) and 1.703(a)(1), the PTO used May 17, 2006 as the completion date of all 35 U.S.C. § 371 requirements (see attached patent term history downloaded from PAIR as Exhibit A). However, as evidenced by the Filing Receipt dated November 29, 2006, as the attached Exhibit B; and the USPTO's U.S. National Stage Worksheet, as the attached Exhibit C; and the USPTO's Bibliographic Data Sheet, as attached Exhibit D, all § 371 requirements were considered complete as of April 4, 2006. Thus, the difference between the correct § 371 date, i.e., April 4, 2006, and the incorrect § 371 date used by the USPTO, i.e., May 17, 2006, is 43 days.

Thus, the PTA at allowance should total 602 days (559+43), calculated from April 4, 2006 up to the date of the first office action issued on January 26, 2009. Additional PTA will continue to accrue under 37 C.F.R. §§ 1.702(b)(1) and 1.703(b)(1) up through the date of grant.

The \$200.00 petition fee is being paid by credit card via EFS-web.

The present application is not subject to a terminal disclaimer.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16 1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

However, because this PTA error is due to a Patent Office error, a refund of the fee is respectfully requested.

Respectfully submitted,

By 

Date July 21, 2009

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4263
Facsimile: (608) 258-4258

Callie M. Bell
Attorney for Applicant
Registration No. 54,989

EXHIBIT A

10/574,591 WIDEBAND COMMUNICATION METHOD

07-21-
2009:10:47:15**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 10/574,591

Filing or 371(c) Date:	04-04-2006	USPTO Delay (PTO) Delay (days):	559
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	0
Post-Issue Petitions (days):	+0	Total PTA (days):	559
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
04-27-2009	Mail Notice of Allowance		
04-24-2009	Document Verification		
04-24-2009	Notice of Allowance Data Verification Completed		
04-21-2009	Date Forwarded to Examiner		
04-20-2009	Response after Non-Final Action		
01-26-2009	Mail Non-Final Rejection	559	
01-21-2009	Non-Final Rejection	↑	
12-12-2006	Information Disclosure Statement considered	↑	
08-04-2008	Information Disclosure Statement considered	↑	
12-10-2008	Case Docketed to Examiner in GAU	↑	
08-04-2008	Electronic Information Disclosure Statement	↑	
10-06-2008	Miscellaneous Incoming Letter	↑	
10-06-2008	Preliminary Amendment	↑	
08-04-2008	Information Disclosure Statement (IDS) Filed	↑	
06-12-2008	Change in Power of Attorney (May Include Associate POA)	↑	
06-12-2008	Correspondence Address Change	↑	
10-17-2007	Withdraw Flagged for 5/25	↑	
10-15-2007	Flagged for 5/25	↑	
06-25-2007	Case Docketed to Examiner in GAU	↑	
06-15-2007	Case Docketed to Examiner in GAU	↑	
03-08-2007	PG-Pub Issue Notification	↑	
02-03-2007	IFW TSS Processing by Tech Center Complete	↑	
12-12-2006	Reference capture on IDS	↑	
12-12-2006	Information Disclosure Statement (IDS) Filed	↑	
05-17-2006	Information Disclosure Statement (IDS) Filed	↑	
371 Completion Date		↑	
11-29-2006	Application Dispatched from OIPE		

[Close Window](#)

EXHIBIT A

**UNITED STATES PATENT AND TRADEMARK OFFICE****EXHIBIT B**

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Attn: COMMISSIONER FOR PATENTS
P.O. Box 1450
Washington, D.C. 20231-1450
[www.uspto.gov](http://uspto.gov)

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/574,591	04/04/2006	2611	2600	876A.0032.U1(US)	5	34	8

CONFIRMATION NO. 3965

29683
HARRINGTON & SMITH, LLP
4 RESEARCH DRIVE
SHELTON, CT06484-6212

FILING RECEIPT

Date Mailed: 11/29/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jukka Reunamaki, Tampere, FINLAND;
Arto Palin, Viiala, FINLAND;

Power of Attorney: The patent practitioners associated with Customer Number 29683

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/FI04/00673 11/12/2004

Foreign Applications

FINLAND 20031666 11/17/2003

If Required, Foreign Filing License Granted: 11/27/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/574,591**

Projected Publication Date: 03/08/2007

Non-Publication Request: No

Early Publication Request: No

Title

Wideband communication method

Preliminary Class**EXHIBIT B**

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to

espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: 2025 Jefferson Davis Highway, P.O. Box 1450
 Washington, D.C. 20591-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/574,591	Jukka Reunamaki	876A.0032.U1(US)
INTERNATIONAL APPLICATION NO.		
PCT/FI04/00673		
29683 HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212	I.A. FILING DATE	PRIORITY DATE
	11/12/2004	11/17/2003

CONFIRMATION NO. 3965
371 ACCEPTANCE LETTER



OC000000021374488

Date Mailed: 11/29/2006

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>04/04/2006</u>	<u>05/17/2006</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 04/04/2006
- Copy of the International Search Report filed on 04/04/2006
- Copy of IPE Report filed on 04/04/2006
- Copy of Annexes to the IPER filed on 04/04/2006
- Preliminary Amendments filed on 04/04/2006
- Information Disclosure Statements filed on 04/04/2006
- Oath or Declaration filed on 04/04/2006
- U.S. Basic National Fees filed on 04/04/2006
- Assignment filed on 04/04/2006
- Priority Documents filed on 04/04/2006
- Specification filed on 04/04/2006

EXHIBIT C

- Claims filed on 04/04/2006
- Abstracts filed on 04/04/2006
- Drawings filed on 04/04/2006

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

VONDA M WALLACE
Telephone: (703) 308-9140 EXT 225

PART 3 - OFFICE COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 3965

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
10/574,591	04/04/2006 RULE	375	2611	088245-1035

APPLICANTS

Jukka Reunamaki, Tampere, FINLAND;
 Arto Palin, Viiala, FINLAND;

** CONTINUING DATA *****

This application is a 371 of PCT/FI04/00673 11/12/2004

** FOREIGN APPLICATIONS *****

FINLAND 20031666 11/17/2003

** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **

11/27/2006

Foreign Priority claimed	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119(a-d) conditions met	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	FINLAND	5	34	8

ADDRESS

FOLEY & LARDNER LLP
 150 EAST GILMAN STREET
 P.O. BOX 1497
 MADISON, WI 53701-1497
 UNITED STATES

TITLE

Wideband communication method

FILING FEE RECEIVED 2600	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit

EXHIBIT D